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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

CHIEN CHUNG CHEN,
a/k/a ANDREW CHEN,
Defendant.

No. CR 11-0166 RS

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE
SENTENCING HEARING**

The defendant Chien Chung Chen, a/k/a Andrew Chen, was charged by Information on March 22, 2011 with one count of violation of the Sherman Antitrust Act, 15 U.S.C. § 1. Mr. Chen was charged for his participation in a price-fixing conspiracy involving aftermarket auto lights. The Honorable Richard Seeborg accepted Mr. Chen's guilty plea on June 7, 2011, and Mr. Chen is currently scheduled to be sentenced on December 13, 2011 at 2:30 p.m.

Attorneys for the United States and for Mr. Chen have conferred and have agreed to continue Mr. Chen's sentencing hearing until July 17, 2012 at 2:30 p.m. Under Mr. Chen's plea agreement, which is pursuant to Fed. R. Crim. P. 11(c)(1)(B), Mr. Chen is obligated to continue to cooperate with the government's ongoing investigation and prosecution relating to price-fixing in the aftermarket auto lights industry. Under Mr. Chen's plea agreement, the

1 United States may move for a downward departure pursuant to U.S.S.G. §5K1.1 if the United
2 States determines that Mr. Chen has provided substantial assistance in any investigations or
3 prosecutions.

4 The government's investigation of price-fixing in the aftermarket auto lights industry
5 is ongoing and one defendant and co-conspirator, Homy Hong-Ming Hsu, awaits trial
6 scheduled to begin on March 5, 2012 (*United States v. Homy Hong-Ming Hsu*, CR 11-0488
7 RS, Indictment filed July 19, 2011). Postponing Mr. Chen's sentencing hearing from
8 December 13, 2011 to July 16, 2012 will allow the United States to fully evaluate and advise
9 the Court as to Mr. Chen's cooperation and substantial assistance.

10 Pursuant to Crim. L.R. 32-2(a)(2) and (3), the parties have conferred with United
11 States Probation Officer Cheryl L. Simone, who is assigned to this case, and with Courtroom
12 Deputy Corrine Lew. Ms. Simone agrees to this continuance and is available on July 17,
13 2012. Ms. Lew has advised that July 17, 2012 is available on Judge Seeborg's calendar.

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15 **SO STIPULATED.**

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17 Dated: 9/22/11



Jacklin Chou Lem
May Lee Heye
Howard J. Parker
Kelsey C. Linnett
Attorneys
U.S. Department of Justice
Antitrust Division

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23 Dated: September 22, 2011

/s/


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Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071
Counsel for Andrew Chen

1 **[PROPOSED] ORDER**

2 For good cause shown, sentencing in the matter, *United States v. Chien Chung Chen*
3 *a/k/a Andrew Chen*, CR 11-166 RS, is continued to July 17, 2012 at 2:30 p.m.

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5 **SO ORDERED.**

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8 Dated: 9/22/11

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10 Honorable Richard Seeborg
11 United States District Court Judge
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